



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Supplemental Legislative Analysis**

**Board of County Commissioners**

Tuesday, March 1, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA  
Commission Auditor

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Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor  
Supplemental Legislative Analysis**

**Board of County Commissioners Meeting Agenda  
March 1, 2005**

Written analyses for the below listed items are attached for your consideration in this Supplemental Legislative Analysis.

**Item Numbers**

4(N)(Corrected Copy)	6(B)
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Written analyses for the below items were included in the original Legislative Analysis package distributed on February 25, 2005.

**Item Numbers**

4(N)	7(G)(1)(A)
4(P)	7(G)(1)(B)
4(Q)	7(J)(1)(A)
4(S) / 4(T)	7(J)(1)(C)
4(U)	7(M)(1)(A) / 7(A)(1)(B)
6(A)	8(I)(1)(A)
6(E)	10(A)(2)
7(C)(1)(A)	10(A)(3)
7(E)(1)(A)	11(B)(2) / 13(N)
7(E)(1)(B)	

A separate report with background information on the Ryan White Title I Program, which is the subject of Item 7(L)(1)(A) on this BCC Agenda, was separately distributed to Commissioners on February 23, 2005 by the Office of the Commission Auditor.

If you require further analysis of these or other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

**Acknowledgements--Analyses prepared by:**

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## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*ORDINANCE AUTHORIZING ISSUANCE OF MIAMI-DADE COUNTY FLORIDA GENERAL OBLIGATION BONDS IN MORE THAN ON SERIES AND FROM TIME TO TIME IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,925,750,000 FOR BUILDING BETTER COMMUNITIES BOND PROGRAM PURSUANT TO RESOLUTIONS NO. R-912-04, NO. 913-04, NO. 914-04, NO. 915-04, NO. 916-04, NO. 917-04, NO. 918-04, AND NO. 919-04 AND A SPECIAL BOND ELECTION HELD ON NOVEMBER 2, 2004; PROVIDING THAT SUCH GENERAL OBLIGATIONS OF COUNTY TO WHICH COUNTY'S FULL FAITH, CREDIT AND TAXING POWER SHALL BE IRREVOCABLY PLEDGED; APPROVING CERTAIN PROVISIONS FOR BONDS INCLUDING METHOD OF PAYMENT, REDEMPTION, TAX COVENANTS AND BOND FORM; PROVIDING FOR DETERMINATION IN SERIES RESOLUTIONS OF SPECIFIC TERMS, MATURITIES, INTEREST RATES AND OTHER DETAILS, INCLUDING AUTHORIZED PROJECTS TO BE FUNDED, FOR EACH SERIES OF BONDS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE*

Finance Department

### I. SUMMARY

This proposed ordinance authorizes issuance of general obligation bonds of various series periodically for the Building Better Communities Bond Program in an aggregate principle amount not to exceed \$2,925,725,000. It also approves certain general provisions and tax covenants for the bonds and provides the terms, maturities, interest rates and other details, including specific projects to be funded for each series.

### II. PRESENT SITUATION

On July 20, 2004, the Board adopted eight resolutions proposing eight separate obligation bond questions as listed below. Voters subsequently approved all eight in the November 2, 2004 election.

Resolution	Question	Bond Max.
R-912-04	Construct/Improve water, sewer, flood control systems	\$378,183,000
R-913-04	Construct/Improve park and recreational facilities	\$680,258,000
R-914-04	Construct/Improve bridges, public infrastructure, etc.	\$352,182,000
R-915-04	Construct/Improve public safety facilities	\$341,087,000
R-916-04	Construct/Improve emergency and health care facilities	\$171,281,000
R-917-04	Construct/Improve public services and outreach facilities	\$255,070,000
R-918-04	Construct/Improve houses for elderly/families	\$194,997,000
R-919-04	Construct/Improve cultural, library, educational facilities	\$552,692,000
	Total	<u>\$2,925,750,000</u>

**BCC ITEM 4(N) (Corrected)**  
**March 1, 2005**

**III. POLICY CHANGE AND IMPLICATIONS**

The Board's approval of this proposed Ordinance would authorize the issuance of the general obligation bonds in an aggregate amount not to exceed \$2,925,750,000, which represents the aggregate principal amount of bonds approved by the voters in November 2004.

**IV. ECONOMIC IMPACT**

Up to \$2,925,750,000 in general obligation bond debt secured by the full faith and credit of the County.

**V. COMMENTS AND QUESTIONS**

None.

**LEGISLATIVE ANALYSIS**

*ORDINANCE RELATING TO OFFICE OF INSPECTOR GENERAL.*

Commissioner Natacha Seijas  
Commissioner Bruno A. Barreiro  
Commissioner Barbara Carey-Shuler, Ed.D.  
Commissioner Sally A. Heyman  
Commissioner Dennis C. Moss  
Commissioner Rebeca Sosa

**I. SUMMARY**

This Ordinance relating to the Office of the Inspector General, is amending Section 2-1076 of the Code of Miami-Dade County, Florida. This amendment is regarding the appointment, removal, term, contract and powers of the Inspector General.

**II. PRESENT SITUATION**

See attached chart.

**III. POLICY IMPLICATIONS**

See attached chart.

**IV. ECONOMIC IMPACT**

None.

**V. COMMENTS**

None.

Overview of Proposed Changes to Section 2-1076 of the Code of Miami-Dade County Office of the Inspector General (IG)

Subject	Current	Proposed
Appointment	The Inspector General ("IG") shall be appointed by the Ethics Commission ("EC").	The IG shall be appointed by the Ad Hoc Inspector General Selection Committee ("Selection Committee") except that before any appointment shall become effective, the appointment must be approved by a majority of the whole number of members of the Board of County Commissioners at the next regularly scheduled County Commission meeting after the appointment. In the event that the the appointment is disapproved by the BCC, the appointment shall become null and void, and the Selection Committee shall make a new appointment, which shall likewise be submitted for approval by the BCC. The selection committee shall be composed of four members as follows: (a) The State Attorney of the 11th Judicial Circuit for Miami-Dade County; (b) The Public Defender of the 11th Judicial Circuit for Miami-Dade County; (c) The Chairperson of the Miami-Dade Commission on Ethics and Public Trust; and (d) The President of the Miami-Dade Police Chief's Association.
Minimum Qualifications	(1) Has at least ten (10) years of experience as a Federal or State Law Enforcement Officer; (2) Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy; (3) Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary; and (4) Has a four-year degree from an accredited institution of higher learning.	Same, plus: Has at least ten (10) years of experience in any one or combination of the following fields: (i) Local Law Enforcement Officer; (ii) as a Federal or State court judge; (iii) as a Federal, State or local government attorney; (iv) progressive supervisory experience in an investigative public agency similar to an Inspector General's office.
Term	None specified.	Appointed for a term of four (4) years. Upon expiration of the term the BCC may by majority vote of members present <u>reappoint</u> the IG to another term or reconvene the Selection Committee to appoint the new IG. The Director of the Employee Relations Department shall, in consultation with the County Attorney, negotiate a contract for employment with the IG; except that before any contract shall become effective, the contract must be approved by a majority of Commissioners present at a regularly scheduled Commission meeting. The IG shall commence a four-year term of office upon the effective date of this ordinance.
Functions, Authority and Powers	(1) Authority and power to review County and Public Health Trust programs, accounts, records, contracts and transactions; (2) Power to require reports regarding any matter within its jurisdiction; (3) Power to subpoena witnesses, administer oaths and require the production of records; The IG shall not interfere in any ongoing criminal investigation where he or she has been explicitly notified in writing that the IG's investigation is interfering with an ongoing criminal investigation; (4) the power to report and/or recommend to the BCC whether a particular project, program, contract or transaction is or was necessary;	Same, plus: The IG may retain an Independent Private Sector Inspector General to perform random audits. The cost of random audits shall be incorporated into the contract price of all contracts and shall be (1/4) of one percent (1%) of the contract price.
	(5) power to analyze the need for, and the reasonableness of, proposed change orders; (6) The IG may, on a random basis, perform audits on all County contracts throughout the duration of said contracts.	

Subject	Current	Proposed
Functions, Authority and Powers (continued)	(7) Where the IG detects corruption or fraud, the IG shall notify appropriate law enforcement agencies. When the IG detects a violation of one (1) of the ordinances within the jurisdiction of the EC, the IG may file a complaint with the EC or refer the matter to the Advocate; (8) Power to retain and coordinate the services of Independent Private Sector Inspectors General (IPSIG); (9) Power to review and investigate any citizen's complaints regarding County or Public Health Trust projects, programs etc.; (10) The IG shall upon his or her own initiative, or upon instructions from the EC exercise any of the powers contained in Section 2-1076; (11) The IG shall be notified in writing prior to any meeting of a selection of negotiation committee where any matter relating to the procurement of goods or services by the County is to be discussed.	Same, plus: (7) Subsequent to notifying the appropriate law enforcement agency,, the IG may assist the law enforcement agency in concluding the investigation;
Physical Facilities and Staff	The EC shall provide the Office with sufficient space to enable it to perform its functions. The EC shall provide legal counsel and representation for the Office. The IG shall, be subject to budgetary allocation by the Board of County Commissioners, have the authority to employ sufficient staff.	Same, plus: 2) The IG shall have, subject to budgetary allocation by the BCC, the power to appoint, employ, and remove such assistants, employees and personnel procedures as deemed necessary for the efficient and effective administration of the activities of the Office.
Abolition of the Office	The Office of the IG shall only be abolished upon the affirmative vote of two-thirds (2/3) of the whole number of members of the Board of County Commissioners.	Same.
Removal of the Inspector General	The EC may remove the IG from office at will upon the affirmative vote of 2/3 of the whole number of members of the EC.	The IG may be removed from office upon the affirmative vote of (2/3) of the whole number of members of the BCC.
Reporting	None specified.	The IG shall annually prepare and submit to the Mayor and BCC a written report concerning the work and activities of the Office including statistical information regarding the disposition of closed investigations, audits and other reviews.
Procedure for Finalization of Reports and Recommendations which make Findings as to the Person or Entity being reviewed or Inspected	Notwithstanding any other provision of this Code, whenever the IG concludes a report or recommendation which contains findings as to the person or entity being reported, the IG shall provide the affected person or entity a copy of the report or recommendation and such person shall have (ten) 10 working days to submit a written explanation or rebuttal of the findings before the report is finalized, and the written explanation or rebuttal shall be attached to the finalized report. This shall not apply when the IG, in conjunction with such report will jeopardize a pending criminal investigation.	Same.